

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ELIGIO ROMERO BACALLAO, JR.,

Petitioner,

v.

BRIAN FOSTER,

Respondent.

OPINION AND ORDER

18-cv-403-bbc

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Petitioner Eligio Bacallao, Jr., is incarcerated at the Waupun Correctional Institution and has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now he has filed two motions seeking assistance from the court. Dkt. ##25-26. For the reasons explained below, both motions will be denied.

OPINION

In his “motion for court assistance,” dkt. #26, petitioner asks that the court send a copy of his pleadings to respondent’s attorney because he has no money and cannot get a legal loan to pay for postage. However, the motion is moot because respondent filed a letter in response, stating that he has access to the documents he needs through the court’s electronic case management system. Dkt. #27.

In the second motion, petitioner’s jailhouse lawyer, Garry Allen Borzych, asks the court to allow him to sign and file documents on petitioner’s behalf and to order

respondent to send a copy of everything he files to Borzych. Dkt. #25. Borzych explains that petitioner is “functionally illiterate” and will be soon transferred to the Winnebago Resource Center for a mental health evaluation. This motion must be denied because Borzych is not a licensed attorney and therefore cannot sign petitioner’s court filings for him. For the same reason, if petitioner wants Borzych's help, petitioner will have to find a way to get the documents to him. Accordingly, the motion for a court order will be denied.

#### ORDER

IT IS ORDERED that petitioner Eligio Romero Bacallao, Jr.’s motions for a court order and court assistance, dkt. #25 and #26, are DENIED.

Entered this 25th day of February, 2019.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge